

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**RICHARD LOPEZ AND GLORIA LOPEZ,
on behalf of themselves and all others
similarly situated,**

Plaintiffs,

vs.

**PROGRESSIVE COUNTY MUTUAL
INSURANCE COMPANY AND APRIL
HAGER,**

Defendants.

Civil Action No. 5:19-cv-380

AMENDED REPORT ON ALTERNATIVE DISPUTE RESOLUTION

Pursuant to Local Rule CV-88 and the Court's October 23, 2019 Amended Scheduling Order (ECF 45), the parties respectfully submit this Amended Report on Alternative Dispute Resolution ("ADR"). On August 12, 2019, the parties submitted an initial Joint Alternative Dispute Resolution Report regarding settlement negotiations (ECF 28). On March 12, 2020, the parties submitted a second Report on Alternative Dispute Resolution stating that mediation was scheduled for March 16, 2020, with Don Philbin at his office in San Antonio. Given travel restrictions and other issues surrounding the coronavirus, the parties have modified their mediation plan. Rather than a full day in person mediation on March 16, 2020, the parties will participate in a half-day mediation with Don Philbin with Plaintiffs and their counsel in person at the mediation and Progressive's counsel and representative, who all reside outside of Texas, participating via telephone.

1. **Status of settlement negotiations:** Plaintiffs submitted a written joint demand to

the Defendants on July 12, 2019. Kymberly Kochis responded in writing on behalf of Progressive County Mutual Insurance Company on August 7, 2019. John Fabry, on behalf of Plaintiffs, provided additional information by email to Kymberly Kochis on August 8, 2019.

2. **Identity of persons responsible for settlement negotiations for each party:**

A. For Plaintiffs: John Fabry.

B. For Defendants: Kymberly Kochis.

3. **Whether ADR is appropriate and identification of method, provider, how the provider was selected, and how the provider will be compensated:** All parties have agreed to mediate with certified mediator Don Philbin on March 16, 2020. Mediation is scheduled for a half day at Mr. Philbin's office in San Antonio, Texas. The parties will schedule a second half day or full day in person mediation at a future date. The parties have agreed that the cost of the mediator should be shared equally, with Plaintiffs treated as a single party and both Defendants treated as a single party for the purpose of allocating the cost of the mediator. The parties have agreed that Defendant April Hagar and her counsel will appear telephonically and the Court has granted said relief.

4. All of the parties who have appeared in the action conferred concerning the contents of this ADR Report and have agreed as to its contents.

Respectfully submitted,

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